IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

THURSDAY, THE 18TH OCTOBER 2007 / 26TH ASWINA 1929

CRP. No. 596 of 2001(A)

OS.1583/1987 of II ADDL.M.C.,TRIVANDRUM
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PETITIONERS: PETITIONERS: PLAINTIFFS:
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1. **BHAGAVATHI AMMA MADHURI AMMA,**
   RESIDING AT KURUNGANNOOR VEEDU,
   VALLUVEETTU MURI, KAWDIAR VILLAGE,
   THIRUVANANTHAPURAM.

2. **VASUDEVAN PILLAI, SOMASEKHARAN NAIR,**
   GOVERNMENT SERVANT, -DO- (DIED).

3. **VASUDEVAN PILLAI MADHAVAN NAIR, -DO-**

4. **VASUDEVAN PILLAI, MADHUSOODHANAN NAIR, -DO-**

5. **VASUDEVAN PILLAI MURALEEDHARAN NAIR, -DO-**

6. **MADHAVI AMMA AMBIKA DEVI, -DO-**

7. **VASUDEVAN PILLAI SASIDHARAN NAIR, -DO-**

8. **VASUDEVAN PILLAI RAJASEKHARAN NAIR, -DO-**

9. **MADHAVI AMMA, REMANIKUMARI, -DO-**

10. **VASUDEVAN PILLAI SREEKUMAR, -DO-**

11. **MADHAVI AMMA SREEKUMARI, -DO-**

12. **MADHAVI AMMA JAYASREE, -DO-**

(PETITIONERS 1 AND 3 TO 12 ARE RECORDED AS THE LEGAL REPRESENTATIVES OF THE DECEASED SECOND PETITIONER AS PER ORDER DATED 27/08/2003 IN I.A. 1388/03).

BY ADV. SRI. L. MOHANAN
SRI. D. SAJEEV

RESPONDENTS: DEFENDANTS:
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1. **THE CHIEF SECRETARY, REPRESENTED THE STATE OF KERALA, SECRETARIAT, THIRUVANANTHAPURAM.**

2. **APPAVU NADAR, APPU NADAR, THOTTATHUVILAKATHU VEEDU, VAZHAYILA, PEROORKADA, CHETTIVILAKAM VILLAGE, THIRUVANANTHAPURAM.**

3. **NARAYANI BHARGAVI, WIFE OF 2ND RESPONDENT, -DO-**

4. **NARAYANI KARTHY, D/O. 2ND RESPONDENT, -DO-**

5. **NARAYANI RADHA, W/O. SEBASTIAN, -DO-**

6. **MOHANAN, S/O. SEBASTIAN, -DO-**

7. **MERSY, W/O. KOLAPPAN, RESIDING AT KULATHUMKARA VEEDU, C.P. NO. 15/8, HARVIPURAM COLONY, CHETTIVILAKAM VILLAGE, THIRUVANANTHAPURAM.**

8. **KOLAPPAN BABU, RESIDING AT -DO-**

9. **K. SANTHA, D/O. PADMANABHAN, RESIDING AT KULATHUMKARA HOUSE, VAZHAYILA MURI, CHETTIVILAKAM VILLAGE, PEROORKADA, THIRUVANANTHAPURAM.**

10. **DHARANI, W/O. HARIS, RESIDING AT THOTTATHUVILA, PUTHEN VEEDU, CHETTIVILAKAM VILLAGE, THIRUVANANTHAPURAM.**

11. **VALSALA THANKAPPAN, D/O. 10TH RESPONDENT, -DO-**

12. **RAJAM HARIS, S/O. HARIS, RESIDING AT -DO-**

13. **MOSA HARIS, -DO- -DO-**

14. **UDAYAKUMAR, KUDAPPANAKUNNU VILLAGE, VAZHAYILA MURI, -DO-**

15. **ASOK KUMAR OF -DO- -DO-**

16. **JAYAKUMARY, -DO- -DO-**

17. VIMALAKUMARY, -DO- -DO-

18. JAYASREE, -DO- -DO-

BY ADV. SRI. R.S. KALKURA for R6, R7, R8, R14 & R15.
SRI. P. GOPALAKRISHNAN NAIR for R10 to R13
GOVERNMENT PLEADER SRI. PUZHAKKARA MUHAMMED

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 18/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRP. No. 596/2001(A)

Order on C.M.P. No. 1324/2001 in CRP. No. 596/2001
Order on C.M.P. No. 2956/2001 in C.M.P. No. 1324/2001 in CRP. No. 596/2001

Dismissed.

18.10.2007 **P.R.RAMAN, JUDGE.**

// True Copy //

P.A. to Judge.

jg

P.R.RAMAN, J.

C.R.P. No. 596 of 2001

Dated, this the 18th day of October, 2007

O R D E R

This Civil Revision Petition is filed against an order passed in an Interlocutory Application to appoint an Advocate Commissioner to note certain matters. The court below found that a Commission report was already filed but according to the learned counsel for the petitioner no commissioner is appointed. The interlocutory application is filed in the year 1996 but it was not pressed into service and this order is passed in the year 2001. The application is for measurement and demarcation of the properties. As per the order passed by the court below, such measurement and demarcation is already done as per the proceedings of the Tahsildar, Thiruvananthapuram.

2. The suit is admittedly one for recovery of possession based on title. The property is stated to be in the hands of the receiver and the alleged trespass was while the properties were in his possession. This C.R.P. is filed against such an order passed by the court below declining to appoint a Commissioner. Even if the C.R.P. is allowed, this will not be final disposal of the matter and as

such, it will hit by the proviso to Section 115 of the Civil Procedure Code. However, I make it clear that the order now passed by the court below shall not adversely affect the final adjudication of the dispute between the parties and if the court below, on a consideration of the evidence on the various issues, finds that such identification is necessary for granting appropriate reliefs, it will have a second look and will pass appropriate orders thereon. Leaving the right of the petitioner to press for such relief after the recording of the evidence and subject to the above, this C.R.P. is dismissed.

(P.R.RAMAN, JUDGE.)

jg